



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

PIEDMONT REGIONAL OFFICE

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Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

Michael P. Murphy
Regional Director

**VIRGINIA WASTE MANAGEMENT BOARD
ENFORCEMENT ACTION
AMENDMENT TO ORDER BY CONSENT
ISSUED TO
ACE WASTE RICHMOND LLC
FOR
ACE RECYCLING
Permit-By-Rule No. 543**

SECTION A: Purpose

This is an Amendment of an Order by Consent (Amendment) issued under the authority of Va. Code § 10.1-1455, between the Virginia Waste Management Board ("Board") and Ace Waste Richmond LLC regarding Ace Recycling, for the purpose of revising certain provisions of the Order by Consent (Order) issued by the Board to Ace Waste Richmond LLC on August 7, 2013, and for resolving certain violations of the Order ensuring compliance with the Virginia Waste Management Act and the applicable regulations.

SECTION B: Basis for Amendment


1. Ace Waste Richmond LLC owns and operates Ace Recycling in Chester, Virginia. Ace Recycling is a materials recovery facility (Facility). Ace Waste Richmond LLC was issued Permit-By-Rule No. 543 (Permit) for the Facility on June 19, 2009, which was amended on April 19, 2011.
2. The Virginia Waste Management Board entered into the Order with Ace Waste Richmond LLC on August 7, 2013, regarding noncompliance with the Financial Assurance (FA) requirements, and operations and maintenance activities at the Facility.
3. Ace Waste has requested a modification of the requirements in Appendix A of the Order to extend the deadline to meet compliance with FA requirements of the Order, and to

4. The revised Appendix A for compliance with FA requirements and for removal of the stockpiled materials outside the processing building, are incorporated as Appendix A of this Amended Order. All terms of the Order issued on August 7, 2013 remain in effect.

SECTION C: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code § 10.1-1455, the Board orders Ace Waste Richmond LLC and Ace Waste Richmond LLC agrees to abide by Appendix A of this Amendment, which supersedes Appendix A of the Order issued on August 7, 2013. Both the Board and Ace Waste Richmond LLC understand and agree that this Amendment does not alter, modify, or amend any other provision of the Consent Order.

And it is so ORDERED this 11th day of FEBRUARY, 2014.

A handwritten signature in dark ink, appearing to read "Michael P. Murphy", is written over a horizontal line.

Michael P. Murphy, Regional Director
Department of Environmental Quality

Ace Waste Richmond LLC voluntarily agrees to the issuance of this Amendment.

By: LLC

Date: 12/9/13

Commonwealth of Virginia

City/County of Chesterfield

The foregoing document was signed and acknowledged before me this 9th day of

December, 2013, by Ken Magul, who is
(name)

member of Ace Waste Richmond LLC, on behalf of Ace Waste Richmond LLC.
(title)

Shirley Holey
Notary Public

Reg # 319018

My commission expires: 9-30-14

APPENDIX A SCHEDULE OF COMPLIANCE

Ace Waste shall comply with the following regarding the Virginia Waste Management Act:

1. Stockpiles of material (CDD fines, concrete, and vegetative) outside the process building

By no later than December 31, 2014, Ace Waste shall have removed all stockpiled materials outside of the process building, in compliance with the Permit and 9 VAC 20-81-300.B. The stockpiled materials shall be removed by no less than an average of one truck load of each per business day, and the amount of material removed shall be calculated using a monthly rolling average, starting the second month after execution of the Order.

Should the amount of stockpiled material removed not be considered satisfactory by DEQ, ACE Waste shall be given 30 days to reach the stated goal; or provide DEQ with adequate financial assurance as determined by DEQ/Virginia Financial Assurance Regulations for Solid Waste Disposal, Waste Disposal, Transfer, and Treatment Facilities based on the remaining volume of stockpiled material; or surrender the facility permit and remove all of the remaining stockpiled materials outside the process building within 30 days. In determining the amount of financial assurance, DEQ will reasonably consider test results of the stockpiled material prior to requiring financial assurance based on MSW as opposed to CDD or other standards.

2. Reports

On or before the 10th of each month, Ace shall submit to DEQ Piedmont Regional Office a monthly status report providing the dates the stockpiled material is removed, the amount removed per truck load, the calculated daily average of tonnage of material removed, and where the material was hauled. The report shall include photos (from the same location and angle) demonstrating the progress in removal of the stockpiled materials outside of the process building. The progress reports with photos shall be submitted to DEQ until all stockpiled materials outside of the process building have been completely removed.

3. Contact

Unless otherwise specified in this Order, Ace Waste shall submit all requirements of Appendix A of this Order to:

Cynthia Akers
Enforcement Specialist, Sr.
DEQ, Piedmont Regional Office
4949-A Cox Road
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